

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 11

September 25, 2014

SUBJECT: APPROVAL TO CARRY A CONCEALED FIREARM - REVISED

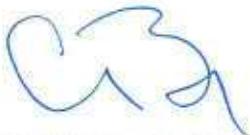
PURPOSE: Effective January 1, 2014, California Penal Code Section 26300 was amended to authorize a "retired" Level 1 reserve police officer who was authorized to, and did, carry a firearm during the course and scope of his/her appointment as a peace officer, to carry a concealed and loaded firearm in the State of California upon retirement, as defined in California Penal Code Sections 26300 and 25900, if there is an endorsement on the officer's retired identification certificate stating that the Department approves of the officer's carrying of a concealed and loaded firearm.

The Department currently recognizes reserve police officers who qualify for a "retired" reserve officer badge and identification card after at least 20 years of service, or where the reserve police officer has been forced to separate early due to a service-connected injury.

PROCEDURE: Department Manual Section 3/733.20, *Approval to Carry a Concealed Firearm*, has been revised to include reserve officers, who were authorized to, and did, carry a firearm during the course and scope of their appointment as a peace officer. Attached is the revised Manual Section with the revisions indicated in italics.

AMENDMENTS: This Order amends Section 3/733.20 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

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733.20 APPROVAL TO CARRY CONCEALED FIREARM. Department Manual Sections 2/092.61 and 3/733.20, Los Angeles Municipal Code Sections 52.29 and 52.30, and California Penal Code (PC) Sections 16360, 16690, 25450-25475, 26300-26325, and 25900, delineate the issuance of a Carry Concealed Weapon (CCW) endorsed retired police identification card for *honorably retired full-time paid police officers and honorably separated Level I reserve police officers.*

Honorably Retired Full-Time Officers. California PC Section 25455 mandates that the Department shall issue an identification certificate to all full-time paid peace officers that have been honorably retired from the Department. *It also mandates that the Department place an endorsement on the identification certificate, stating that the agency approves the officer's carrying of a concealed weapon.*

As used in the PC Sections 16690 and 25900, the term "honorably retired" includes all peace officers who have qualified for, and have accepted, a service or disability retirement.

To be considered "honorably retired," an officer must have a minimum of 20 years of service to retire, with no age requirement for Tiers 2 and 4. For Tier 3, an officer must have 10 years of service and be 50 years old. For Tiers 5 and 6, an officer must have 20 years of service **and** be 50 years old. Any officer who does not meet any of the Tier retirement qualifications is considered "resigned" and is not entitled to *any* retired police identification card according to applicable state laws. However, in Tiers 3, 5 and Tier 6, if an officer leaves after having met the service requirement of their retirement tier, but is not at age 50 and decides to defer *his/her* retirement, the officer can *petition* the Department when *he/she* reaches age 50 and apply for a CCW endorsed retired police identification card.

The term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination. In addition, no peace officer that retired because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm.

Honorably Separated Reserve Officers. *To be considered "honorably separated," a reserve police officer must have completed a minimum of 20 years of service as a Level I reserve police officer. Service as a line reserve officer prior to January 1, 1997 will count towards the 20-year accrual period. Any reserve police officer who does not meet the honorably separated qualifications is considered merely "separated" and is not entitled to any retired reserve police officer identification certificate. If an identification certificate is issued, the Department must place an endorsement on the identification certificate for honorably separated Level I reserve police officers who were authorized to, and did, carry a firearm during the course and scope of their appointment as a peace officer. The endorsement must state that the agency approves of the officer's carrying of a concealed weapon.*

No Level I reserve police officer who separated because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm.

Deny/Revoke Carry Concealed Firearm Privilege. Upon an honorably retired/separated reserve officer's retirement/separation, the Department may deny or revoke, for good cause, the privilege to carry a concealed firearm. In addition, the Department may revoke the privilege to carry a concealed and loaded firearm when an individual violates any Departmental rule, or

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state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency [PC Section 26305 (b)].

**DEPARTMENT RETIREMENT COUNSELOR, PERSONNEL DIVISION,
RESPONSIBILITIES.** A Department Retirement Counselor *will:*

- Upon receiving a signed letter of intent of retirement, or notification from the Department of Fire and Police Pensions that a disability pension has been granted, *or a signed letter of resignation for reserve police officers, complete* an Intradepartmental Correspondence, Form 15.02.00, *and forward it to the retiring officer's or honorably separated reserve police officer's commanding officer; and,*

Note: The Intradepartmental Correspondence is a questionnaire addressing the *retiring/separating* officer's complaint history, restrictions which may preclude the *retiring/separating* officer from carrying a concealed weapon, whether or not the officer is eligible for reserve status, and the commanding officer's opinion as to whether or not the *retiring/separating* officer should be able to carry a concealed weapon.

- If there are no objections in response to the questionnaire, make a recommendation to approve the CCW endorsement to the Commanding Officer, Personnel Division.

COMMANDING OFFICER'S RESPONSIBILITIES. The *retiring/separating* officer's commanding officer *will:*

- Upon receipt of the questionnaire from Personnel Division, conduct a background check on the *retiring/separating* officer;

Note: Commanding officers must review the *retiring/separating* officer's Training Evaluation and Management System (TEAMS II) report and divisional package for current personnel complaints, restrictions and performance history. Commanding officers must also review the hours completed by a reserve officer in the Reserve Tracking System, via the divisional Reserve Coordinator.

- *Make a recommendation and forward the completed questionnaire to the Department Retirement Counselor, via the Commanding Officer, Personnel Division; and,*
- If there are any documents prohibiting the *retiring/separating* officer from carrying a firearm, forward a copy of the questionnaire to the Department Retirement Counselor, via the Commanding Officer, Personnel Division.

COMMANDING OFFICER, INTERNAL AFFAIRS GROUP, RESPONSIBILITIES. Upon notification from the Department Retirement Counselor, the Commanding Officer, Internal Affairs Group (IAG), *will:*

- Evaluate each complaint on a case-by-case basis;
- Determine whether or not the pending complaint would result in the arrest, suspension, or removal of the *retiring/separating* officer; and,

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Note: If the complaint would result in the arrest, suspension, or removal of the employee, a recommendation for denial to carry a concealed weapon *must* be made. However, the seriousness and nature of the misconduct should also be considered.

- Forward *a recommendation for* approval or denial of the CCW endorsement to the *Department* Retirement Counselor, Personnel Division, via the Commanding Officer, Personnel Division.

COMMANDING OFFICER, PERSONNEL DIVISION, RESPONSIBILITIES. The Commanding Officer, Personnel Division, *will*:

- Upon receiving a recommendation from the *Department* Retirement Counselor, approve or deny a CCW endorsement;
- If there are pending personnel complaints, contact the Commanding Officer, IAG, for advice and further information regarding the personnel complaint;
- Make note of either the approval or disapproval on the *retiring/separating* officer's locator card, which is maintained at Personnel Division; and,
- Document the *retiring/separating* officer's CCW endorsement in their personnel package.

RETIRING/SEPARATING OFFICER'S RESPONSIBILITIES. Each *honorable* *retired/separated* officer *will* receive a *retired police* photo identification card indicating the Department's approval to carry a concealed firearm. The identification card will reflect a five-year expiration date. It is incumbent upon the *retired/separated* officer to petition the Department for renewal of the privilege to carry a concealed weapon upon expiration of each five-year period (PC Sections 25465, 25915 and 26300-26325).

If a *retired/separated* officer is denied the privilege of receiving a CCW endorsement, the retiring/separating officer may, within 30 days of the denial, request a hearing. A *retiring/separating* officer who fails to request a hearing within 30 days of the denial *will* forfeit their right to the hearing. *Retired/separated* officers who receive a restricted identification card may petition the Department to review their current status after the privilege to carry a concealed weapon has been revoked. However, a CCW hearing does not supersede the California Penal Code.

Exception: Officers who retired prior to January 1, 1981, shall not be required to *renew* an endorsement from the Department for the privilege of carrying a concealed weapon. *This exception does not apply to honorably separated reserve officers.*

REQUIREMENT FOR RETIRED OFFICERS TO QUALIFY TO CARRY A CONCEALED WEAPON OUTSIDE CALIFORNIA. Retired officers who wish to carry a concealed firearm outside of California *must*:

- Be free of any condition that would preclude them from safely operating a firearm;
- Adhere to basic range safety rules; and,

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- Prior to carrying a concealed firearm out of state, must qualify on the approved course of fire administered by a National Rifle Association-certified civilian law enforcement firearms instructor or a civilian rangemaster. These instructors are also certified by various law enforcement entities (e.g., the Federal Bureau of Investigation's Rangemaster School).

Note: The qualification is valid for a 12-month period from the date of qualification.

QUALIFICATION COURSE FIRING SEQUENCE. The Department's retired officer's qualification course sets the minimum standards to comply with federal law requirements. The course of fire was designed to be fully replicable anywhere in the country. The starting position for this qualifying course of fire will begin at the 7 Yard Line. When the target faces, the shooter will draw and fire 10 rounds at a single silhouette target. A score of 70 percent is required to pass the qualification. All rounds impacting anywhere on the body and head will receive full value and rounds impacting upon the arms are half value.

Note: Any qualification course offered by any range within the United States which meets or exceeds the standards set in the Department's course would satisfy the legal requirement (e.g., if a city or town in Alabama offered a security guard course of fire that required 20 rounds at 10 yards, it would exceed and meet the Department's course of fire for federal compliance). The passing score receipt, in conjunction with a *valid* retired CCW-endorsed Department identification card, will permit a retiree to carry a concealed firearm within other states.

RETIRED OFFICER'S RESPONSIBILITIES. Qualified retired officers *and separated reserve officers* who choose to meet the qualification requirements *must* comply with the following:

- Provide their own ammunition;
- At their own expense, qualify with their firearms;
- Carry proof of qualification at all times, along with a *valid* retired CCW-endorsed Department identification card issued by the Department; and,
- Upon request of any law enforcement agency with appropriate jurisdiction, render the proof of qualification receipt.

COMMANDING OFFICER, PERSONNEL AND TRAINING BUREAU,

RESPONSIBILITY. The Commanding Officer, Personnel and Training Bureau, *will* serve as the Chair of the Carrying a Concealed Weapon Board (Manual Section 2/092.61).